IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

Crl.Rev.Pet.No. 3400 of 2004(A)

CRA.1044/2003 of V ADDL.SESSIONS COURT, ERNAKULAM
CC.1290/1998 of JUDL.MAGISTRATE OF FIRST CLASS-I, ERNAKULAM

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REVN. PETITIONER: ACCUSED

SABU K.JACOB, PROPRIETOR,
M/S.KARITHADATTHIL AGENCIES,
PIRAVAM, COCHIN.
(SABU K.G.AS GIVEN IN THE JUDGMENT)

BY ADV. SRI.C.A.MAJEED

RESPONDENTS: RESPONDENTS/COMPLAINANT

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1. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. M/S.SURASHTRA CEMENT LTD.,
PLOT NO.3, CATEGORY 13, 6TH CROSS ROAD,
WEST ISLAND, COCHIN-3, REP. BY POWER OF ATTORNEY
HOLDER SURESH KUMAR, SENIOR MARKETING MANAGER.

BY ADV. SRI.V.J.MATHEW
PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

Crl.R.P. No.3400 of 2004

Dated this 10th day of January, 2007.

O R D E R

Revision Petitioner is the accused in C.C.No.1290 of 1998 on the file of the Judicial First Class Magistrate's Court No.1, Ernakuklam. Second respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for three months and also directed to pay compensation of Rs.28,000/- to the complainant in default of payment to undergo simple imprisonment for three months under section 357 (3) of the Code of Criminal Procedure. In appeal filed by him, the conviction and sentence were confirmed by the Additional Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.Appl.No.242 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the second respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.Appl.No.242 of 2007 and Revision Petition are allowed.

vgs. **K. HEMA, JUDGE.**